
By: **Senators Hooper, Brochin, Harris, and Lawlah**
Introduced and read first time: January 29, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Lobbyist Registration - Revocation**

3 FOR the purpose of requiring the State Ethics Commission to revoke the registration
4 of a regulated lobbyist if the Commission determines that the lobbyist has been
5 convicted of certain crimes; and generally relating to the revocation of the
6 registration of certain regulated lobbyists who have been convicted of certain
7 crimes.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 15-405
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Government**

16 15-405.

17 (a) After the Ethics Commission considers all of the evidence presented at the
18 hearing, it shall make findings of fact and conclusions of law with respect to each
19 alleged violation.

20 (b) If the Ethics Commission determines that the respondent has not violated
21 this title, the Ethics Commission shall:

22 (1) dismiss the complaint in a signed order; and

23 (2) promptly send a copy of the order to the complainant and the
24 respondent.

25 (c) If the Ethics Commission determines that the respondent has violated any
26 provision of this title, the Ethics Commission may:

1 (1) issue an order of compliance directing the respondent to cease and
2 desist from the violation;

3 (2) issue a reprimand; or

4 (3) recommend to the appropriate authority other appropriate discipline
5 of the respondent, including censure or removal, if that discipline is authorized by
6 law.

7 (d) (1) If the Ethics Commission determines that a respondent has violated
8 Subtitle 7 of this title, the Ethics Commission may:

9 [(1)] (I) require a respondent who is a regulated lobbyist to file any
10 additional reports or information that reasonably relates to information required
11 under §§ 15-703 and 15-704 of this title;

12 [(2)] (II) impose a fine not exceeding \$5,000 for each violation; or

13 [(3)] (III) subject to [subsection (e) of this section] PARAGRAPH (2) OF
14 THIS SUBSECTION, suspend the registration of a regulated lobbyist.

15 [(e) (1)] (2) If the Ethics Commission determines it necessary to protect
16 the public interest and the integrity of the governmental process, the Ethics
17 Commission may issue an order to[:

18 (i)] suspend the registration of an individual regulated lobbyist if
19 the Ethics Commission determines that the individual regulated lobbyist[:

20 1.] has knowingly and willfully violated Subtitle 7 of this
21 title[; or

22 2. has been convicted of a criminal offense arising from
23 lobbying activities; or

24 (ii) revoke the registration of an individual regulated lobbyist if the
25 Ethics Commission determines that, based on acts arising from lobbying activities,
26 the individual regulated lobbyist has been convicted of bribery, theft, or other crime
27 involving moral turpitude].

28 [(2)] (3) If the Commission suspends the registration of an individual
29 regulated lobbyist under paragraph [(1)] (2) of this subsection, the individual
30 regulated lobbyist may not engage in lobbying for compensation for a period, not to
31 exceed 3 years, that the Commission determines as to that individual regulated
32 lobbyist is necessary to satisfy the purposes of this subsection.

33 (E) (1) THE ETHICS COMMISSION SHALL REVOKE THE REGISTRATION OF AN
34 INDIVIDUAL REGULATED LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT
35 THE INDIVIDUAL REGULATED LOBBYIST HAS BEEN CONVICTED OF:

36 (I) A FELONY;

1 (II) A MISDEMEANOR ARISING FROM LOBBYING ACTIVITIES; OR

2 (III) BRIBERY, THEFT, OR A CRIME INVOLVING MORAL TURPITUDE.

3 [(3)] (2) If the Commission revokes the registration of an individual
4 regulated lobbyist under paragraph (1) of this subsection, the individual regulated
5 lobbyist may not engage in lobbying for compensation.

6 [(4)] (F) If the Ethics Commission initiates a complaint based on a
7 violation or conviction described in [paragraph (1) of] this [subsection] SECTION, the
8 Ethics Commission shall initiate the complaint within 2 years of:

9 [(i)] (1) the Ethics Commission's knowledge of the violation; or

10 [(ii)] (2) the date the conviction becomes final.

11 [(5)] (G) The termination or expiration of the registration of an
12 individual regulated lobbyist does not limit the authority of the Ethics Commission to
13 issue an order under this [subsection] SECTION.

14 [(f)] (H) (1) Subject to paragraph (2) of this subsection, an individual whose
15 registration as an individual regulated lobbyist is revoked or suspended under
16 [subsection (e) of] this section may apply to the Ethics Commission for
17 reinstatement.

18 (2) The Ethics Commission may reinstate the registration of an
19 individual whose registration as a regulated lobbyist has been revoked or suspended
20 under subsection (e) of this section if the Commission determines that reinstatement
21 of the individual would not be detrimental to the public interest and the integrity of
22 the governmental process, based on:

23 (i) the nature and circumstances of the original misconduct or
24 violation leading to revocation or suspension;

25 (ii) the individual's subsequent conduct and reformation; and

26 (iii) the present ability of the individual to comply with the
27 provisions of the ethics law.

28 [(g)] (I) (1) If the respondent is a regulated lobbyist, for each report
29 required under Subtitle 7 of this title that is filed late the respondent shall pay a fee
30 of \$10 for each late day, not to exceed a total of \$250.

31 (2) If the respondent is an official, for each financial disclosure
32 statement found to have been filed late, the respondent shall pay a fee of \$2 for each
33 late day, not to exceed a total of \$250.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2003.